

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Case No. 20-mj-30180

Plaintiff,

Hon. Patricia T. Morris

v.

United States Magistrate Judge

JESSE THEODORE McFADDEN,

Defendant.

**MOTION AND BRIEF FOR LEAVE TO
DISMISS COMPLAINT WITHOUT PREJUDICE**

Pursuant to Federal Rule of Criminal Procedure Rule 48(a), the United States moves to dismiss, without prejudice, the Complaint against Jesse McFadden, in the above-captioned case. The government needs additional time to determine whether federal prosecution is in the interests of justice. *See generally United States v. Lovasco*, 431 U.S. 783,790-96 (1977); 18 U.S.C. § 3161(d)(1).

The government's ability to prosecute this case properly would be substantially impaired were it required to proceed to indictment within the time period prescribed by the Speedy Trial Act, *see* 18 U.S.C. §§ 3161(b), 3161(h).

Accordingly, the government requests leave to dismiss the complaint without prejudice.

Respectfully submitted,

MATTHEW SCHNEIDER
United States Attorney

Date: September 30, 2020

s/JULES M. DePORRE
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CERTIFICATE OF SERVICE

I certify that on September 30, 2020, I submitted the foregoing *Motion and Brief for Dismissal Without Prejudice* using the Court's CM/ECF system, which will sent notice to all registered parties.

s/Jules M. DePorre
Assistant U.S. Attorney